

### REMARKS

Claims 26 – 27, 29 - 36, 46 and 47 are in the application. The application is subject to a restriction requirement. Applicants affirm election of the claims in Group I (26-36) drawn to a layered structure. Accordingly, all non-elected claims 37 – 45 are now canceled. In the Office Action mailed August 2, 2007 all of the examined claims were rejected under Section 102 or Section 103 based on Paul (U.S. 7,070,853), Bamberg (U.S. 5,721,057) Lee (U.S. 2003/0021905) and Vyakarnam (6,306,424) and JP 2000-301655.

Applicants extend appreciation to the Examiner for efforts made to perform a thorough search of the prior art. Accordingly, applicants present this amendment and accompanying argument to fully distinguish the invention as now presented. The Examiner is requested to allow the amended claims for the reasons which now follow.

Claim 26 now defines subject matter which is fully distinguished over the prior art. Specifically, the claim now requires, among other features,

“a porous layer ... having a plurality of pores formed therein ... characterized by sizes of the pores decreasing as the layer extends toward the outer surface.”

The combination of claim 26 is distinct and non-obvious over the prior art. Allowance is requested.

Claims 46 and 47 present subject matter of dependent claims 31 and 35 in independent form. Claims 31 and 35 had been rejected under Section 103 based on Paul and JP 2000-301655. However, in each instance, applicants submit that the combination would require a reconstruction of JP 2000-301655. Specifically, with regard to claim 46, while applicants claim a porous layer arranged on the substrate, with each pore defined by a wall, and a ceramic coating on an interior surface of the wall, wherein the ceramic coating is  $ZrO_2$ , or  $Y_2O_3-ZrO_2$ , JP 2000-301655 does not at all relate to a porous layer or providing a coating on an interior surface thereof. Thus the prior art would have to be re-formed in order to meet the terms of the claims. There is no suggestion for doing so.

As for claim 47, applicants again claim a porous layer, this time wherein the porous layer comprises MCrAlX. The disclosure in JP 2000-301655 does not at all relate to a porous layer and the reference would have to be reconstructed to provide the claimed combination.


Conclusion

For all of the above-stated reasons it is submitted that the claims are allowable over the prior art and the application is in condition for allowance. It is submitted that no fees are required for filing of this amendment. However, the Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 10/15/07

By: \_\_\_\_\_

  
John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830